

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MATTHEW ORSO AS SUCCESSOR TRUSTEE
TO KENNETH D. BELL IN HIS CAPACITY
AS COURT-APPOINTED RECEIVER FOR
REX VENTURE GROUP, LLC,
d/b/a ZEEKREWARDS.COM,

Plaintiff,

v.

Case No. 8:21-mc-8-MSS-AEP

AMERICO VARGAS,

Defendant.

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ORDER

Pursuant to Federal Rule of Civil Procedure 4.1, Plaintiff Nationwide Judgment Recovery, LLC, as Assignee of Matthew Orso as Successor Trustee to Kenneth D. Bell in His Capacity as Court-Appointed Receiver For Rex Venture Group, LLC, D/B/A ZEEKREWARDS.COM (“Plaintiff”), requests that the Court specially appoint any employee or agent of ABC Legal, who is otherwise legally permitted to effectuate service of process under applicable law, to serve the court-ordered writs in this matter upon the garnishees. Federal law governs who may serve a writ of garnishment (Doc. 8). *See* Fed. R. Civ. P. 69(a)(1) (“The procedure ... in proceedings supplementary to and in aid of judgment ... must accord with the procedure of the state where the court is located but a federal statute governs to the extent it applies.”). The Federal Rules have the “force and effect” of

a federal statute. *See Sibbach v. Wilson & Co.*, 312 U.S. 1, 13 (1941) (stating a federal rule established within the power delegated to the Supreme Court “has the force of a federal statute”). In turn, the Federal Rules permit the appointment of a special process server to deliver a writ of garnishment like the one at issue here. *See Fed. R. Civ. P. 4.1* (“Process-other than a summons under Rule 4 or a subpoena under Rule 45-must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose.”); *see also Sumner v. Garner*, No. 6:18-CV-40-ORL-28GJK, 2019 WL 6716193, at *1 (M.D. Fla. Dec. 9, 2019); *Francois v. Washmonbo, Inc.*, No. 05-23368-CIV, 2008 WL 2694752, at *2 (S.D. Fla. July 8, 2008). Accordingly, this Court grants the motion (Doc. 8) and authorizes any employee or agent of ABC Legal, who is otherwise legally permitted to effectuate service of process under applicable law, to serve the writs of garnishment on the garnishees in this matter.

DONE AND ORDERED in Tampa, Florida, on this 17th day of June 2021.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record